

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

DR. JOSEPH NICOLOSI,)
Plaintiff,)
v.) 11 CV 03826
JAN MOODY,) JURY DEMAND
Defendant.)

PLAINTIFF'S RENEWED FOR DEFAULT JUDGMENT

NOW COMES Plaintiff by and through his attorney for his renewed motion for default judgment states as follows.

1. On July 8, 2011 the Plaintiff filed the return of service proving that the Defendant was personally served on July 1, 2011. (**See Exhibit 1**).
2. On August 3, 2011 the Plaintiff filed a motion for default. On August 3, 2011 the Plaintiff mailed the motion for default judgment to 2130 Winston Drive, Cocoa, Florida 32926.
3. On August 8, 2011 this court denied the motion for default apparently based on a phone conversation made by Defendant to the court. Apparently, the Defendant informed this court that she was improperly served and that 2130 Winston Drive, Cocoa, Florida 32926 did not exist.
4. There is no question that the Defendant must have provided false information to this court. Defendant was properly served because she was personally served at 2130 Winston Drive, Cocoa, Florida 32926 where she lives. (**See Exhibit 1**). The motion for default judgment was mailed to the same address and attached as **Exhibit 2** is a copy of a driver's license of Ms.

Moody establishing that she lives at 2130 Winston Drive, Cocoa, Florida 32926. In fact, the process server has identified that the person she served is Jan Moody after looking at a copy of Jan Moody's driver's license and has identified the property where she served Jan Moody. (See **Exhibit 3**).

5. The Plaintiff seeks a default judgment and he reincorporates his previous motion for default as if set forth fully herein.

WHEREFORE Plaintiff prays that this court enter a default judgment against Jan Moody and for further relief that is just and equitable in the circumstances.

DR. JOSEPH NICOLOSI,

By: s/Joseph T. Gentleman
His Attorney

Joseph T. Gentleman (ARDC NO. 6244501)
33 North Dearborn Street
Suite 1401
Chicago, Illinois 60602
(312) 220-0020

EXHIBIT 1

AO 440 (Rev. 03/00) Summons in a Civil Action

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

SUMMONS IN A CIVIL CASE

DR. JOSEPH NICOLOSI,

v.

JAN MOODY

CASE NUMBER: 11 cv 03826

ASSIGNED JUDGE: George W. Lindberg

DESIGNATED
MAGISTRATE JUDGE: Honorable Nan R. Nolan

TO: (Name and address of Defendant)

Jan Moody
2130 Winslow Drive
Cocoa, Florida 32926

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Joseph T. Gentleman
33 N. Dearborn Street
Suite 1401
Chicago, Illinois 60602

an answer to the complaint, which is herewith served upon you, within 21 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

MICHAEL W. DOBBINS, CLERK

(By) MICHAEL W. DOBBINS, CLERK

Ulyssie

(By) DEPUTY CLERK



DATE

June 6, 2011

DATE

AO 440 (Rev. 05/00) Summons in a Civil Action

RETURN OF SERVICE

Service of the summons and complaint was made by <input checked="" type="checkbox"/>	DATE	7-1-11	11:15AM
NAME OF SERVER (PRINT)	Terry J. Wilson		
Check one box below to indicate appropriate method of service			
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served:	2130 Winston Drive,		
<u>Cocoa, FL 32926</u>			
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing thereof.			
Name of person with whom the summons and complaint were left:			
<input type="checkbox"/> Returned unexecuted:			
<input type="checkbox"/> Other (specify):			
STATEMENT OF SERVICE FEES			
RAVEL	SERVICES	TOTAL	
DECLARATION OF SERVER			
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.			
Executed on	7-1-11	<u>Terry Wilson</u>	
Date		Signature of Server	
P.O. Box 115			
Address of Server			
Sharpes, FL 32959			

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

EXHIBIT 2

EXHIBIT 3

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

DR. JOSEPH NICOLOSI,)
Plaintiff,) 11 CV 03826
v.) Judge Lindberg
JANET MOODY,)
Defendant.)

DECLARATION OF TERRY J. WILSON

1. I declare under penalty of perjury that the following is true and correct. Based on my personal knowledge of the facts contained herein I would testify to said facts in a court if called upon to do so.
 2. I am over 18 years of age and if called to testify would testify to the following.
 3. I personally served the Defendant, Janet Moody, on the morning of July 1, 2011 at 11:15am at her home located at 2130 Winston Drive in Cocoa Florida, 32926.
 4. I personally served Janet Moody in the presence of man who identified himself as her husband, Clark Moody.
 5. I can verify that the attached image of Janet Moody's Florida Driver's License (#M300-433-49-630-0) is a clear and accurate representation of the person whom I personally served on July 1, 2011 at the home address listed on her Driver's License.
 6. I can also verify that the attached Bing aerial photo indicating the 2130 Winston Dr. address in Cocoa, Florida is the home where I personally served Janet Moody on July 1, 2011.

ally served Janet Moody on July 1, 2011


TERRY J. WILSON